

Social Questions Bulletin

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Number 1

WILLARD UPHAUS JAILED FOR CONSCIENCE

December 14, 1959, Bill of Rights Day Eve, was a day of shame and infamy for the State of New Hampshire and the United States, the Constitution of which pledges protection for the exercise of religious conscience free from government encroachment. It was a day of honor and glory for Willard Uphaus, of the Methodist Federation for Social Action is proud to have in its membership. Having answered an order to appear in court, Willard heard from the New Hampshire judge in Concord (a name glorious in America's democratic, revolutionary past) a final offer to escape jail by betraying his conscience. Willard chose the path of integrity and conscience. Present Loyd Worley represented himself and MFSA in the courtroom, and writes: "Methodists, Federationists, F.O.R., Quakers and Episcopalians turned out well for the trial . . . had good support from Bishop Lord, Editor Warren Carberg of the *Herald*, and most of the New England area District Attorneys . . . Willard has the honor of joining a long list of faithful through the ages who have preferred jail to honor. His statement was magnificent. He and Ola [Willard's wife] and all his supporters handled themselves with dignity. The Attorney General was in the driver's seat, and it would cost so much for the temporal authority to surrender to spiritual integrity, human nature being what it is. We are grateful the sentence is no longer indeterminate. [Editor's note: Formerly, the same judge sentenced Willard to jail until he turned over a demanded guest list; December 14, the judge specified one year. The whole affair may increase Willard's influence for peace and peace when he gets out, to make good come out of evil. We know that is the way the Lord works sometimes."

Willard replied to the judge's final offer to escape jail by turning over "the guest registry of the World Fellowship":

"Your honor, on Jan. 5 in this courtroom I said there was a question in my life to which I had given more thought and prayer and more consultation, to which I had sought counsel deeply and sincerely. It was counsel both religious, legal and friendly. Almost four years have gone by. It has brought me friendly people in the United States and other countries to the Fellowship to discuss the problems that mankind faces. At no time did any guest or World Fellowship speaker suggest or intimate that there was a thought in our minds of subversion, or an effort to overthrow the government of New Hampshire or of the United States. In fact, it was supporting the welfare of this nation, this state, and the peace of the world was our purpose. The Bill of Rights is a part of my life, I wish to uphold it. I wish to uphold the constitution of New Hampshire, which guarantees the right of conscience. Your honor, I do not feel that in this instance, what I regard loyalty to God and to the Bible, this abhorrence of bringing innocent people into public scorn and possibly the loss of livelihood—I do not regard all this as opposed to my own loyalty to my country, the Constitution and the Bill of Rights. I am strengthened in my stand by the minority of the U. S. Supreme Court, which said it was impermissible to expose for exposure's sake my loyalty to God . . . to this country or state . . . is not required in the orders of a court. It is standing in history, in the presence of moral law, and of our heritage.

"And I hope to see the day, your honor, when laws that interfere into the thoughts of men and women and the rights of speech and press and assembly will be declared unconstitutional.

The Methodist Federation for Social Action, an unofficial membership organization, founded in 1907, seeks to deepen within the Church, the sense of social obligation and opportunity to study, from the Christian point of view, social problems and their solutions and to promote social action in the spirit of Jesus. The Federation stands for the complete abolition of war. The Federation rejects the method of the struggle for profit as the economic base for society and seeks to replace it with social-economic planning to develop a society without class or group discriminations and privileges. In seeking these objectives, the Federation does not commit its members to any specific program, but remains an inspirational and educational agency, proposing social changes by democratic decisions, not by violence.

I stand upon my conscience.

"What I do is not something growing out of what occurred yesterday, or at the first hearing of the attorney general. It grows out of 69 years of living, out of a grandfather who was a minister, out of a long, long life in the Church. It is in this tradition that I stand today. I believe it is mean and contemptible to bring innocent people into public squalor and the possible loss of livelihood. Your honor, it is not my purpose today to be defiant or contemptuous; but before God and before my friends here, I can do nothing else than to say, 'No.'"

Boston Daily Globe reports that, "The courtroom . . . a few moments later heard Atty. Gen. Louis Wyman tell the court [to try to prevent the offered testimony of clergymen, character witnesses] there was 'no suggestion this witness is in any way a criminal.'"

"Meanwhile, Dr. Uphaus was taken by Sherieff Clyde R. Parker to the County Jail at Boscaawen," New Hampshire, where his many friends and admirers, who read this, may wish to send him greetings. "His wife, Ola, was denied permission to accompany him, but Sheriff Parker promised her," with the charity and mercy so appropriate at Christmas, that "he would not handcuff his prisoner."

DR. UPHAUS—DEVOUT METHODIST

Reprinted from Zions Herald, October, 1959.

Director of World Fellowship in Peril of Sentence

Editor's Note: On Monday, Oct. 12, the United States Supreme Court denied Dr. Willard Uphaus the right of a rehearing.

Dr. Willard Uphaus is a man with a dream—a dream of world fellowship which would embrace men and women of all races, creeds and political beliefs.

Working side by side with his devoted wife for the past seven years, Dr. Uphaus brought his organization, World Fellowship, Inc., to such a success on his 300-acre World Fellowship estate at Albany, N. H., that he incurred the displeasure of the Attorney General of New Hampshire, Louis C. Wyman.

New Hampshire was one of the many states to enact anti-sedition legislation during the period which followed the activities of the late Senator McCarthy.

Smelling what he thought might be a Communist plot hatching among the scenic White Mountains, the Attorney General subpoenaed Dr. Uphaus to turn over to him, among other things, the names of all the guests who had been at World Fellowship during 1954 and 1955.

Dr. Uphaus, Methodist layman of considerable standing in the First Methodist Church in New Haven, Conn., refused to produce these lists on the grounds of conscience and the ancient doctrine, "reluctance to inform."

Dr. Uphaus has steadfastly refused to give to Mr. Wyman the names of people who had never been guilty of anything but friendly and open discussion on religion, economics, peace and race relations, at his White Mountains' Camp.

In January, 1956, he was finally brought to trial in Merrimack County Superior Court in Concord, N. H. At the end of a long day of questioning he once more refused to produce his guest records. It was then that he was held in contempt and sentenced to prison until "purged of contempt," a sentence which well may be a life sentence particularly as he is close to the 70 mark, and since he has declared that he has no intention of recanting.

Taken to U.S. Supreme Court

His attorneys, Royal W. France, Leonard Boudin, and Hugh

Bowles carried the case to the New Hampshire Supreme Court where the verdict of the lower court was sustained, three to two.

The two justices upholding the minority stated that in their opinion the attorney general had produced no relevant evidence to warrant prosecution and had in this way infringed on his First Amendment rights.

When a rehearing was refused, the appeal was taken to the United States Supreme Court.

The case was argued before the court on November 17, 1958 and on June 8, 1959, a five to four adverse ruling was handed down with Chief Justice Warren and Justices Brennan, Black and Douglas dissenting.

Justice Brennan, a Roman Catholic, in his minority opinion declared: "The Attorney General had already published the names of speakers at the World Fellowship Camp. Now he wanted the correspondence between Uphaus and the speakers.

"The attorney general admitted that it was unlikely that the correspondence between Uphaus and the speakers was going to contain a damning admission of a purpose to advocate the overthrow of the government (presumably of New Hampshire), by force and violence.

"He said that it might indicate a sinister purpose behind the advocacy of pacifism—the purpose of achieving a quicker and cheaper occupation by the Soviet Union and Communism".

"The guest list, the non-availability of which to the attorney general was commented on in the passage from the 1955 report, was also desired. Appellant's counsel, at the hearing in court giving rise to the contempt finding under review, protested that the appellant did not want to allow the attorney general to have the names to expose them.

Would Reverse Judgment

In concluding his findings Justice Brennan said: "We deal here with inquiries into the areas of free speech and assemblage where the process of compulsory disclosure tends to have a repressive effect.

"We deal only with the power of the state to compel such a disclosure. We are asked in this narrow context, only to give meaning to our statement in *Watkins vs. United States*, 'that the mere semblance of a legislative purpose would not justify an inquiry in the face of the Bill of Rights.' Here we must demand some initial showing by the state sufficient to counterbalance the interest in privacy as it relates to freedom of speech and assembly. On any basis that has practical meaning, New Hampshire has not made such a showing here. I would reverse the judgment of the New Hampshire Supreme Court."

This writer talked at length with Dr. Uphaus and with Mrs. Uphaus at the camp. Discussing his early life, Dr. Uphaus said that he was born on a farm in Muncie, Ind., Nov. 1890, the son of Samuel and Mary Uphaus.

His father was a tiller of the soil, a rock-ribbed Republican and a member of an Evangelical Association Church, a sect not too unlike our early Methodists. His grandfather Bernard, a charter member of the church, came over from Germany. Dr. Uphaus grew up as a farm boy. He learned the value of hard work and of wholesome, austere living.

Because he had an alert retentive brain, his father decided that he must have an education. He attended Earlham College, a Quaker institution, at Richmond, Ind. It was there the Quaker principles against war and killing were nurtured.

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An unofficial fellowship founded in 1907.

President, Dr. Loyd F. Worley; Vice-Presidents, Rev. Frederick E. Ball, Rev. Arthur Crawford, Rev. Clarence T. R. Nelson, Rev. Elwin E. Wilson; Recording Secretaries, Mrs. Ella Mulkey, Miss Janice Roberts; Treasurer, Rev. Edward L. Peet.

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He earned his way by teaching school. In 1917 he received his A. B. degree at Indiana University. Majoring in religious education he studied at Yale University Graduate School, receiving his master's degree in 1921 and his Ph.D. in 1925. He taught for several years on the faculty of the Vanderbilt University School of Religion at Nashville, Tenn.

Then in 1934 he became executive secretary of the National Religion and Labor Foundation, an organization which is responsible for many of the close ties between the church and labor today.

Dr. Uphaus achieved national prominence in the church field during the years he served in this capacity. Working in these depression years in many parts of the country, he saw that abject poverty and great wealth often existed side by side.

One of his main preoccupations has been the cause of peace. In 1950 he was a member of a group that comprised the majority of Americans who went behind the Iron Curtain to attend the Second World Peace Congress at Warsaw.

Today, going behind the Iron Curtain is a commonplace little more adventurous than seeing Paris or Rome, but in 1950 it was regarded tantamount to being a card-carrying Communist.

Dr. Uphaus explained to this writer that he has been interested in peace all his life. He is a Christian socialist because he feels that such a way of life provides for a better foundation for the Kingdom of God and a cooperative existence, but he has never been a member of any party.

"As a Christian," he said, "I have been interested in peace all my life. It was this interest that led me to a world fellowship for all creeds and races.

"I am a Christian Socialist because I simply believe that a Christian way of life provides a better foundation for the Kingdom of God and a co-operative existence. I have had that feeling ever since 1934 when I had a chance to see extreme poverty existing side by side with great wealth."

"I feel that to be a good Socialist requires a finer perception of thinking and you have to be a better Christian than an average Christian."

"That means drawing into fellowship with people of all left as well as others. I can't see how Christians can have a war in their heart and set aside Communists as some sort of strange and unredeemable people."

Mrs. Uphaus Methodist Missionary

Mrs. Uphaus has been a heroic Methodist missionary. Since her marriage to Dr. Uphaus in 1938 she has worked shoulder to shoulder with him for the advancement of world brotherhood.

She was born Ola Hawkins in Amity, Ark. A graduate of Kansas Wesleyan University she received her master's degree from American University in Washington, D. C. She served for many years as a Methodist missionary in China. Her first husband was Dr. Warren Dudley, who was also a missionary. He died in China.

The Boston Herald, in their editorial on Dr. Uphaus called last June, seems to have hit the nail on the head.

Additional copies will be sent free upon request to the Willard Uphaus Defense Fund, 66 Edgewood Avenue, New Haven 11, Conn.

PURITANICAL UPHAUS SAINT, NOT SUBVERSIVE, says John Pratt Whitman in letter published in Boston Herald, June 13, 1959.

The United States Supreme Court by a vote of 4-5 has found Willard Uphaus guilty for refusing to supply the New Hampshire Attorney General investigating subversiveness, with a list of guests and lecture material and other intimate matter in connection with the the camp known as the World Fellowship. This apparent crime of non-cooperation a New Hampshire judge formerly sentenced Willard Uphaus to jail until "the fault was purged."

Knowing Willard Uphaus as I do with his absolute integrity and his Puritanical conscience, I know this sentence is equivalent to imprisonment for the remainder of his life. He will not betray the confidence of his guests, hundreds of whom come to the World Fellowship every summer. He knows the Attorney General in pursuance of what he thinks is his legal duty, to submit each and every guest to questions few Americans, including the most loyal, could come through unscathed.

As an example, to be personal, I am a consulting member of this World Fellowship. It would be discovered that my grandfather on my mother's side once with his family joined a strictly communistic group—choice information. This community was well known about Boston as Brooks Farm in Roxbury, founded and run by clergymen and idealists including Ralph Waldo Emerson, Dr. Ripley, Nathaniel Hawthorne, James Freeman Clark and others such. Although the experiment did not last long, Boston has been rather proud of this attempt to live on a high plain of brotherhood.

With such information in hand a clever lawyer could lay suspicion on me and my ancestry that could very well subject me to public suspicion. If Mr. Uphaus should have sent my name with other guests I would certainly feel I had been unfairly treated, just as they would.

My wife and I, both Quakers, have belonged to this fellowship group for more than 10 years. She is not now living. We joined what was then known as The League of Neighbors that met in the rooms of the Twentieth Century Club on Joy Street. They were as innocent of subversion as any Sunday School class, and they still are though now known as The World Fellowship in Conway, N. H.

Their ideas and purposes are exactly the same as Boston's Ford Hall and the Community Church. Boston, however has been more liberal and understanding. It is my opinion, and I think our readers would agree, that neither of the elders of Ford Hall and Community Church would hand over to an investigating attorney a private list of its membership and lecture material through the years.

Some readers may say these New Hampshire people are more dangerous for they have been called subversive. Who reported to the Attorney General that they were a "nest of Communists?"

In talking with a leading citizen of the community, I have learned a woman grew suspicious who had neither visited the place nor talked with Mr. Uphaus; but thought she should alert the authorities. We shouldn't blame her, for our company is at times a motley gathering of many races, creeds and colors with numerous ideas and philosophies.

I see them at least once a week when they come to our little Quaker meeting-house.

I have talked at the Fellowship—on art and on Quakers, and my wife, a former Wellesley professor—on economics.

To give life imprisonment to Willard Uphaus, a saint if ever there was one, is cruel and unthinkable.

JOHN PRATT WHITMAN,
Tanaworth, N. H.

(See editorial "Life Sentence").

LIFE SENTENCE

Boston Herald Editorial, Saturday, June 13, 1959.

A letter writer has raised a troublesome question in connection with the Supreme Court's recent Uphaus decision.

The high court declared last Monday that Dr. Willard Uphaus, who is executive director of the New Hampshire Fellowship Center, must supply the state attorney general with a membership list and other pertinent data about his organization or go to jail. The New Hampshire law head is investigating subversive activities under a resolution passed by the Legislature, and the court found his demands upon Dr. Uphaus to be within his authority.

So far so good. But where asks our correspondent, does this leave Dr. Uphaus? He has declared that he cannot, as a matter of conscience, disclose the information that is demanded of him. And he may hold out indefinitely. Did the court mean he should suffer life imprisonment for his defiance?

Our letter writer thinks this would be the result. The New Hampshire judge who originally ordered Uphaus to comply with the attorney general's demand found his refusal a civil contempt and sent him to jail until "the fault is purged." If the doctor refuses to purge himself, he could lie there indefinitely, which would be a pretty heavy penalty for an act of conscience.

As a practical matter, no such martyrdom awaits him. Even if he is very stubborn for example, it is inconceivable he would

be held after the legislative investigation which he is balking came to an end. And even before that, if his fixity of purpose became clear, it is probable the court would set a limit to his penance.

But the troubling question remains. Should our courts, even in theory be empowered to impose an indeterminate sentence for contempt in this kind of case? Would it be better to rely exclusively on criminal contempt proceedings, where the punishment is limited by law and more or less proportionate to the offence?

We don't pretend to know the answer. In most cases civil contempt penalties are less severe than criminal contempt penalties because the defendant can remit them if he will. But this does not take into account the stiff-necked rebel-in-the-name-of-conscience.

And like our correspondent, we feel a genuine twinge of sympathy for him.

PROTESTS TO N. H. GOVERNOR AND ATTORNEY GENERAL URGED

"Governor Wesley Powell

Attorney General Louis C. Wyman

State Capitol, Concord, New Hampshire.

Willard Uphaus's protecting confidence was course professionally ethical lawyers clergymen journalists can appreciate. Protecting others from persecution follows biblical mandate. Uphaus declined fifth amendment protection by cooperatively answering personal questions. First amendment promises no government abridgement of freely exercised religious conscience which prohibits fingering others. Will you punish his cooperating where conscience decency permitted? Must Christians decline all answers to protect selves and others? Your supreme court one vote victory can preface defeat if you arouse national religious conscience shaming yourselves and state imprisoning Uphaus perhaps to death."

We and wife sent the above telegram. Please send copies of your letters of protest. Keep them flowing until Willard Uphaus, our deeply religious friend and Methodist Federation member, is securely and permanently free.—JRM.

BEHIND THE HEADLINES

The visit of Premier Khrushchev crowded out of the headlines, and almost off the pages, an event which needs to be recalled, along with the background which led to it, because of their relation to the growing desire to end the cold war both here and around the world. That event is the revolt against the government of the little country of Laos in South East Asia. It was in this area that Dulles came closest to the brink of a bottomless precipice. That was when the French army in Indo-China was finally defeated and the colony was divided into the independent states of Vietnam, Cambodia and Laos.

Under its present cold war policy our government has a twofold interest in Laos. To the Pentagon the military control and use of that country, with its several hundred miles of border with China, is an essential part of its East Asia strategy. To the State Department Laos is a vital spot in its attempt to prevent the development of an Asian communist bloc.

The first reaction of the Department to the revolt in the northern provinces of Laos was a statement charging communist led North Vietnam with promoting, aiding and participating in it. It was also implied that the Soviet Union and China were supporting North Vietnam. The statement concluded with the astounding remark that the Department had no direct evidence behind its assertions. This is a typical instance of how cold war policy prevents and endangers world peace by basing itself on assumptions instead of realities. Witness its initial propaganda about the menace of a Soviet attack on Western Europe.

The next move of the State Department was an attempt to persuade the U.N. Security Council to investigate the Laos revolt and alleged invasion. When it was realized that an investigation would certainly be vetoed by the Soviet Union on the correct ground that the U.N. charter forbids any interference with internal affairs of a nation except on request by the victim of aggression an "inquiry" was ordered. The outcome was a re-

port that no evidence of foreign invasion was found, and only small arms of varying dates from a number of countries, some Western, and some hand grenades which "seemed" to have been made in China.

Then the State Department issued statements admitting no foreign invasion but changing the meaning of some parts of the report by omitting the sentence which said these were only the opinions of the Laos government. Then stress was laid on military aid "vigorously supported by the propaganda and diplomatic resources of the foreign bloc."

On these points most of Asia knows the record of our military aid to the government of Laos and our part in the making of that government, both of these actions in violation of our own pledge and the moral pronouncement of our President about interference with other nations just before he left for his visits overseas.

The record shows that of all the many nations to whom we give military aid Laos is the only one for whom we have taken over the costs of the entire military budget, including the wages of the soldiers. The State Department denies that we have any air base in Laos, but fails to tell us that we use the base the French were allowed to keep and that personnel from our air base in the Philippines have been stationed there. Nominally we cooperated with the French in transforming the militia that fought them into a trained army but we assumed the entire cost and he who pays the piper calls the tune.

This transformation was the task laid upon the French by the Geneva International Conference Agreements of July 29, 1954, Great Britain and the Soviet Union being co-chairmen. This conference ended hostilities, established the independence of Vietnam, Laos and Cambodia, put limitations upon the number of personnel to be used by France in the training of the Laotian army, and the amounts and kinds of weapons, munitions and equipment to be used in the defense of Laos. It also forbade the "introduction into Laos of any reinforcement of troops or military personnel from outside Laotian territory". The Laos government added to the Final Declaration of the Conference its own Declarations that it would not accept military aid of any kind from outside except as this provided. To secure observance the Conference provided an International Commission composed of India, Canada and Poland.

The record of how we secured the nullification of these provisions is also clear. By using the financial pressures made available by the fact, certified by our own General Accounting Office, that "our policy has reduced Laos to a financial dependency of the United States", and other manipulations, we twice compelled the resignation of a Prime Minister democratically elected by heavy majorities, because he was a "neutralist" and had formed a coalition government with two "Reds" as cabinet members. Columnist Joseph Alsop, who was there at the time, wrote that we "did everything in our power to bring into being the present government." The general attitude of the people was described by the on the spot reporter for the Wall Street Journal as "completely indifferent or frankly hostile."

According to the Wall Street Journal the Prime Minister thus brought into being under "emergency powers," dismissed, and then jailed, the two "Red" ministers, and other leftist leaders. He then unilaterally renounced the Geneva Agreements and dissolved the International Commission which was to administer their controls on military aid. These moves, he said:

"left him free to accept additional foreign military aid, and in July an agreement was concluded with the U. S. to provide more military equipment and nearly 100 army advisers."

Still another violation of the Geneva Conference belongs in this record. The core of the "guerilla forces" in revolt in the two northern provinces of Laos is the "Pathet Lao." It is the successor of the "Free Laotian Movement". Under the present name, which means "Land of Lao", it next fought against the French colonial regime for the independence of Laos. One of the conditions of the Geneva Agreements was:

"Pending a political settlement the fighting units of Pathet Lao . . . shall move into the provinces of Phongsaly and Samneua . . . they will be free to move between those provinces in a corridor along the frontier between Laos and Viet Nam bounded etc."

The "political settlement" was made in 1956 by the government in whose ouster we played a decisive part. The government and fighting forces in Samneua and Phongsala were placed under a coalition government in which Pathet Lao became a political organization with the same rights as any other party. It now claims that in May '59 the present Laos government attacked its former fighting units and that in resisting and rebelling it was protecting both its own rights and the Geneva Agreements. India and Poland of the Control Commission, also the Soviet Union as co-chairman of the Geneva Conference which created it, are asking that the Commission become active and render a decision on these issues.

The United States declined to sign the General Declaration of the Geneva Conference. In order, however, to prevent a break in the Western Alliance it issued a Declaration of its own. In this it promised to "refrain from the threat or the use of force to disturb" the agreements.

The record of our attempt to draw in SEATO (South East Asia Treaty Organization) certainly contains the threat of force. That organization was Dulles' supplement to NATO, devised when he was defeated at the Geneva Conference. It is composed of 5 Non-Asian powers with interests in S. E. Asia and 3 of the smaller Asian nations.

What is the training and paying of the army which is trying to prevent the Pathet Lao from occupying the territory in which the agreement said it was to be free to function, after the political settlement which gave it wider rights had been overthrown, but "the use of force disturb", the agreements?

The serious consequences of this record for religious organizations that are charged with the duty of passing moral judgment upon governmental actions and policies is that without knowledge of all the facts these judgments cannot be accurate. When the state department, or any other branch of the government, issues a statement that withholds a part of the truth, it is committing a serious offense against the religious development of the nation. To prevent this in the Protestant section of our religious life the National Council of Churches might well set up a fact finding service available to any organization, editor or minister desiring to express moral judgment upon any governmental action or policy.

The wider consequence of failing to find ways to counter the tendency of government to present only those facts which favor the continuation of its policies, with the collusion of the major portion of our press and radio, is that the democratic process breaks down. In this day of crisis without the knowledge necessary for them to vote intelligently and ethically the people will perish.—H. F. W.

EXECUTIVE AND NATIONAL COMMITTEE MEMBERS

Members of the Executive and National Committee of the Federation are asked to meet at 10:00 a. m. Thursday, January 7, Inter-Church Center, 475 Riverside Drive, Room 1550, New York City. Business of Denver Annual Meeting and visit of Dr. Donald O. Soper. Other MFSA members invited to attend if convenient. Mail suggestions for General Conference Memorials in advance and advice on other action.

LOYD F. WORLEY
573 Farmington Ave.,
Hartford 5, Conn.

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